

To: Pellegrini, Janet[pellegrini.janet@epa.gov]
From: David E. Dearing
Sent: Fri 9/13/2013 10:26:56 PM
Subject: RE: FW: Peabody's Sampling plan-Letter to Kasey Barton - June 28,2012

OK, I understand now. Thanks for your help.

David E. Dearing
 Attorney at Law
 6100 N. Keystone Ave. Suite 657
 Indianapolis, Indiana 46220

(317) 920-0824

FAX (317) 920-1865

On Tue, 10 Sep 2013 22:24:32 +0000, "Pellegrini, Janet"

<pellegrini.janet@epa.gov> wrote:

Mr. Dearing,

> I see the sampling point 16R that you are referring to and it is
 > pink. You will see in the map's Legend, the pink icon is for "NPDES
 > Outfall Sampling Locations." The sample points for this 308 request
 > are a thick blue circle with a thin red circle surrounding it,
 > "Proposed Effluent Sampling Locations."
 > So the results for 16R will not be found in the data from this
 > Sampling plan for the 308 request.
 > NPDES sampling results for 16R could be obtained from IDEM or IDNR.
 > EPA does not receive this data from the state, unless we place a
 > specific request.

>

> A couple of years ago I had requested sampling data from IDEM/IDNR
 > and IDNR sent me data, which after I analyzed it and sent EPA's
 > conclusions about the data to IDEM, IDNR refuted our letter. Turns
 > out IDNR sent corrupt data. That is what motivated EPA to then send
 > two 308 requests directly to Peabody, as they are then legally
 > required to respond with verified data.

>

>

> Janet Pellegrini, Environmental Scientist
 > USEPA Region 5, Water Division, NPDES Branch
 > 77 West Jackson Blvd. WN-16J
 > Chicago, IL 60604-3590
 > Phone: 312-886-4298
 > Fax: (312) 692-2436

>

>

> -----Original Message-----

> From: David E. Dearing [mailto:david@dearinglawfirm.com] Sent:
 > Tuesday, September 10, 2013 3:12 PM
 > To: Pellegrini, Janet
 > Subject: Re: FW: Peabody's Sampling plan-Letter to Kasey Barton -
 > June 28, 2012

>

>

>

> I zoomed in on the map. The relevant outfall is definitely 16R. It

> is marked with a pink circle, indicating that is one of those that
> was sampled. I am still trying to determine which results pertain
> to that outfall.
>
> David E. Dearing
> Attorney at Law
> 6100 N. Keystone Ave. Suite 657
> Indianapolis, Indiana 46220
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> (317) 920-0824
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> On Thu, 29 Aug 2013 15:33:48 +0000, "Pellegrini, Janet"
> <pellegrini.janet@epa.gov> wrote:
> Mr. Dearing,
> >
> > Attached is the Peabody sampling plan which was approved by USEPA
> in 2012. >
> > Sampling points do not include the number you referenced 16R, its
> 18R, > the Att A Map can be zoomed in on electronically, that's why
> I am > sending this via email.
> >
> >
> >
> > Thanks,
> >
> > Janet
> >
> > Environmental Scientist
> > USEPA Region 5, Water Division, NPDES Branch
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> > ----- Forwarded by Janet Pellegrini/R5/USEPA/US on 08/29/2013 10:25 AM
> > -----
> >
> > From: Janet Pellegrini/R5/USEPA/US
> > To: Patrick Kuefler/R5/USEPA/US@EPA, Cc: Kevin Pierard/R5/USEPA/US@EPA
> > Date: 06/28/2012 04:32 PM
> > Subject: Fw: Letter to Kasey Barton - June 28, 2012
> >
> > -----
> >
> > Pat, Kevin,
> > Attached is Peabody's June 28, 2012 final sampling plan , that has
> > all > requested elements.
> > I find this plan acceptable with no further comments necessary. >
> > Janet Pellegrini
> > Environmental Scientist
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> > ----- Forwarded by Janet Pellegrini/R5/USEPA/US on 06/28/2012 04:30
> PM > -----
> >
> > From: "Watson, John W" <John.Watson@bakermckenzie.com>
> > To: Kasey Barton/R5/USEPA/US@EPA, Cc: Janet Pellegrini/R5/USEPA/US@EPA
> > Date: 06/28/2012 03:59 PM
> > Subject: Letter to Kasey Barton - June 28, 2012 Sent by: "Cortes,
> Ada" > <Ada.Cortes@bakermckenzie.com>
> >
> > -----
> >
> > <<Letter to Kasey Barton - June 28, 2012.pdf>> Please see
> attached > letter. Thank you.
> >
> > Ada Cortes
> > Assistant to John W. Watson Baker & McKenzie LLP
> > 300 East Randolph Street, Suite 5000
> > Chicago, Illinois 60601, USA
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> > Please visit > www.bakermckenzie.com/disclaimers for other important
> information > concerning this message.
> > (See attached file: Letter to Kasey Barton - June 28, 2012.pdf)
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